

REMARKS

By the present amendment claims 1 and 6 have been amended. Claims 1 and 4-6 remain in the application with claims 1 and 6 in independent form.

The Examiner rejected Claim 6 under 35 U.S.C. §102(b) as being anticipated by Dany et al. (US 3,847,843). The Examiner specifically pointed to column five, example 2 stating that what was disclosed there were "polyurethane foams of the soft/flexible make-up which employ acrylic acid derivatives in amounts which read on those of the claims". The Examiner further stated "the reactive features indicated in Claim 6 are held to be inherently possessed by the teachings of Dany et al. as such are reactions that would occur natural upon aging of the polyurethanes due to hydrolytic cleavage of the urethane and urea bonds in the presence of the instant compounds." The Examiner further stated "Applicants' arguments have been considered, however applicants' have not demonstrated that the reactions do not, in fact, occur in the preparations of Dany et al."

Rejection of a claim under 35 U.S.C. §102(b) requires that each and every limitation of the rejected claim be found in the cited reference. If even a single limitation is not found within the cited reference a rejection under 35 U.S.C. §102(b) is improper and must be withdrawn.

Applicants have searched column 5, example 2 to find where the Examiner found utilization of acrylic acid derivatives in the preparations of any of the foams in example 2. In fact, applicants can find nowhere in the entire patent of Dany et al. utilization of acrylic acid derivatives or any of the other compounds now recited in Claim 6. The reactive features indicated in Claim 6 cannot be inherently possessed by the teachings of Dany et al. when the

essential compounds that the present application discloses as amine traps are not even found within the foams. None of the compounds now recited in Claim 6 are found in the disclosure of Dany et al. This clearly indicates that the reaction cited in Claim 6 cannot, in fact, occur in the preparation of Dany et al. since the essential compounds are missing. As such, the rejection of Claim 6 based on Dany et al. is improper and must be withdrawn.

The Examiner rejected Claims 1 and 4-6 under 35 U.S.C. §102(b) as being anticipated by Fishback et al. (US 5,523,333). Examiner notes that Fishback et al. teaches the use of fumaric acid in the making of polyurethane foams.

By the present amendment Claim 1 has been amended to remove fumaric acid and Claim 6 has been amended to recite all of the compounds recited in Claim 1. Thus, the rejection of Claim 1 and Claim 6 based on Fishback et al. under 35 U.S.C. §102(b) cannot be maintained. Fishback teaches utilization of fumaric acid as a chemically active blowing agent. The Examiner is directed to column 4, lines 57-59 wherein it states that these chemically active blowing agents are utilized to react with isocyanate to liberate gas such as CO₂. The compound fumaric acid is listed as one such compound. The present application teaches on page 2, lines 31-36 that the compounds utilized as amine traps "should not significantly influence the foaming reaction". Clearly a blowing agent such as fumaric acid will significantly influence the foaming reaction. None of the compounds now recited in Claim 1 or Claim 6 are disclosed within Fishback et al. thus the rejection of these claims under 35 U.S.C. §102(b) based on the cited reference is improper and must be withdrawn.

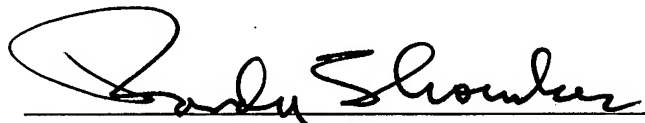
In anticipation of the Examiners' possible suggestion that Fishback et al. would make obvious independent Claims 1 and 6 as amended applicants wish to address this anticipated rejection. Fishback et al. discloses utilization of fumaric acid as a chemical blowing agent and does not disclose or suggest the use of any of the compounds now found in independent Claims 1 or 6. Compounds now recited in independent Claims 1 and 6 function in polyurethane foam systems as amine traps and such compounds are not even recognized or discussed in Fishback et al. nor is the problem of formation of primary and secondary amines upon aging even hinted at in Fishback et al. Therefore applicants believe that it would not be obvious to one of ordinary skill in the art to utilize any of the compounds found in amended Claims 1 or 6 as amine traps in polyurethane foams based on the disclosure of Fishback et al.

Applicant's attorney respectfully submits that the claims as amended are now in condition for allowance and respectfully requests such allowance.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

August 20, 2004
Date



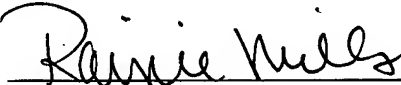
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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service as Express Mail, Mail Label No. ET 122756735 US, postage prepaid, in an envelope addressed to, Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 20, 2004.


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